

**BOROUGH OF LONGPORT WORKSHOP COMMISSION MEETING
MUNICIPAL BUILDING, 2305 ATLANTIC AVE
LONGPORT, NJ 08403
WEDNESDAY, July 15, 2020 – 4:00 PM**

The meeting was called to order.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act. A notice of this meeting was emailed to the Press of Atlantic City and the Current on July 9, 2020. The notice was posted on the bulletin board on July 9, 2020, and on the Borough website on July 13, 2020.

ROLL CALL:	Nicholas Russo	present
	James P. Leeds, Sr.	present
	Daniel Lawler	absent

Borough Solicitor Affanato, Administrator Porter, Engineer Carter, CFO Kelly, Beach Patrol Chief Kelm, Recreation Supervisor Kennedy, and Municipal Clerk Kyle also present.

The Mayor stated the location of emergency exits.

Mayor Russo:

Mayor Russo discussed the Longport American Legion Post 469 sponsored Wounded Warrior event. He said that the parade is scheduled for September 15, 2020. He noted that this is the ninth year the program has been held. He explained that there would be ample room for social distancing. Commissioner Leeds asked if banners would be hung up for the event. The Mayor explained that banners would be hung the week before, during, and for a week after. The banners would begin at Krechmer Park and end at Borough Hall.

Mayor Russo also discussed that there have been issues with people putting out trash and recycling cans earlier than Borough Code allows. He stated that there was an existing resolution that addressed recycling; however, at the regular meeting, there is a resolution on the agenda that addresses trash containers. Mayor Russo also discussed purchasing brightly colored stickers to place on cans that were out too soon to raise awareness and for enforcement purposes. Commissioner Leeds recommended adding the trash and recycling information to the Borough's website to help inform the public. Solicitor Affanato discussed a potential ordinance for enforcement.

Commissioner Leeds:

Commissioner Leeds noted that he has some questions about the proposed sidewalk project.

Commissioner Lawler:

Commissioner Lawler – absent.

Municipal Administrator:

Administrator Porter requested that Borough Solicitor Affanato provide his report first.

Solicitor:

Solicitor Affanato discussed correspondence that the Borough received regarding a settlement involving Purdue and pain medication. He noted in the lawsuit, settlement for claimed damages that municipalities suffered as a result of the pain medication was included. He said that Longport's damage claim is listed at an estimated \$1.596 million. He was asking the Governing Body for permission to submit a claim authorization consolidation form that would then be submitted to bankruptcy court. He also said that he did not expect the Borough to receive the amount listed. Solicitor Affanato noted that this was multi-class action lawsuit. Mayor Russo made a motion to authorize Solicitor Affanato to submit the paperwork, seconded by Commissioner Leeds. All In Favor – All Ayes. None Opposed. Commissioner Lawler – absent.

Solicitor Affanato discussed the Municipal Public Access Plan. He said it had been submitted to the NJ Department of Environmental Protection and he had received an automated email from them stating that the agency is experiencing budgetary problems, and due to furloughs there could be delays in responses. He explained that the Borough had submitted its Municipal Access Plan with all the recommendations provided by the NJ DEP and he hoped it would be approved soon. He also noted that Engineer Carter will discuss the fish and wildlife aspect of the Beach Maintenance Plan and that the Borough had an excellent first draft ready. He said he hoped the Municipal Public Access Plan would be approved soon, so that the fish and wildlife plan could also be submitted and approved as part of the Beach Maintenance Plan.

Commissioner Leeds questioned if the fish and wildlife aspect was a new group. Solicitor Affanato noted that this aspect became more important as the dune project was completed. He explained that everything in the plan is a requirement and that similar plans had already been approved by the NJ DEP. He noted that the biggest change is that Longport is trying to establish a protective zone.

Engineer Carter noted that the Borough had a draft of the fish and wildlife plan ready and hoped to have it approved. He explained that there are three different types of zones to take into consideration: recreational, precautionary and prohibited. Engineer Carter noted that there had been past discussion on a potential precautionary zone on 11th to 13th avenues, but that would affect beach raking. There is now discussion on a prohibited zone near the Point and to remove the precautionary zone. He also mentioned the Pinelands Alliance group, which he explained is an environmental group and not a regulatory agency. He explained that this group would like to have a natural planting area between the dune and seawall. He explained that the area needs to be kept clear of plants so the area could be maintained to help eliminate sand from blowing onto properties. He explained that he removed language for a plant protection strip and that it would not be included in the plan.

Solicitor Affanato noted that Recreation Supervisor Kennedy was present at the meeting to discuss regulations pertaining to the tennis and basketball courts. He explained that other than a fee, the Borough has never really set regulations regarding use of these facilities. He explained that she has noted that a number of private clinics and tutoring are being held on the facilities. In some cases, the clinics have told kids who were playing on the courts to leave with no authority to do so. He explained that the Borough is behind and needs to come up with a comprehensive plan for a public facility use ordinance. He explained some of the aspects of a potential ordinance. He said he looked at the Borough's current Code, and that in the current Code, there is a provision that allows the Director of Public Works to adopt rules and regulations as a need arises and the only requirement is that these be posted on the Official Bulletin Board for three consecutive weeks. Commissioner Leeds asked what was

currently in effect and if the Borough has any protection. Solicitor Affanato noted that there are currently no rules and regulations in effect.

Recreation Supervisor Kennedy noted that she had provided the Governing Body with some information to review. She discussed a sign posted on the entrance to the basketball courts that states that approval is required for exclusive use. She also noted that the second page contains the rules to be adopted immediately regarding the use of the tennis and basketball courts. Recreation Supervisor Kennedy also explained that certain days and times could be set aside for clinic/training use. She also noted that there have been complaints with spectators not wearing face coverings and that language requiring face coverings had been included. She also noted issues with tennis instructors monopolizing the use of the courts during the mornings and that specific times could be set aside for their use. She also discussed requirements for hold harmless forms and certificates of liability insurance. She also noted a new rule that would allow people to reserve courts up to eight days in advance instead of seven.

Mayor Russo asked what was the status of the pickle ball nets. Recreation Supervisor Kennedy noted that there is a delay with delivery due to the COVID-19 pandemic. Commissioner Leeds explained that the Borough did its best to expedite the delivery of these nets. He explained that the Borough supports use of the recreational facilities, but wants to ensure that everyone has a fair opportunity to do so. There was discussion on adding requirements for a hold harmless form and a certificate of liability insurance for usage of the courts. Solicitor Affanato had suggested a minor revision to the proposed signage to change it to "basketball clinics and associated practices and games." He also suggested adding the hold harmless and certificate of liability insurance be added for the basketball clinics, too. Mayor Russo asked Solicitor Affanato to prepare the information. Commissioner Leeds also noted the need to discuss fees.

Municipal Administrator:

Administrator Porter stated that Beach Patrol Chief Kelm was in attendance to discuss the South Jersey Lifeguard races with the Governing Body.

Beach Patrol Chief Kelm noted that the race would be held in Longport as they are the defending champions. He explained that the date would be August 14th and that the permitted amount for outdoor gathering is 500 people. He explained that would limit each municipality to 25 people each. He noted that if the outdoor limits are increased to 1,000 that would allow each municipality to have 50 people. He explained that historically the event draws anywhere from 3,500 to 4,500 spectators. He explained that the Borough is tasked with making a decision on the race. He explained that he has a Lifeguard Chiefs Association meeting that night and he would inform the association that the Longport Governing Body is aware of the situation. He recommended that the Governing Body wait on making a decision until after he attends this meeting. Mayor Russo agreed to wait and see what is discussed and decided at the Lifeguard Chiefs Association meeting. Engineer Carter noted that he has read of events where it was possible that an event could exceed the gathering guidelines and what liability could the Borough face if guidelines are not followed. Solicitor Affanato noted that the Borough first needs to determine if the Borough is going to host the event. Solicitor Affanato noted that if the Borough moves forward there would be guidelines in place. The Governing Body discussed how the Borough could potentially go forward with the race and what guidelines would be necessary. Beach Patrol Chief Kelm noted that he would share information from the Lifeguard Chiefs meeting with the Governing Body.

Administrator Porter mentioned a parking change ordinance and sidewalk project update, although it was recommended to wait and discuss these at the regular meeting.

Commissioner Leeds asked if there were any issues regarding ice cream vending on the beach. Administrator Porter said that any issues had been worked out. Solicitor Affanato explained that he sent a letter to the vendor advising him of the issues.

Municipal Clerk:

Municipal Clerk Kyle - nothing further to report.

Miscellaneous:

None.

Motion to Adjourn – Commissioner Leeds, seconded by Mayor Russo. All in Favor – Yes. None Opposed. Commissioner Lawler – absent. Meeting adjourned at 4:36 pm.

**BOROUGH OF LONGPORT COMMISSION MEETING
MUNICIPAL BUILDING, 2305 ATLANTIC AVE
LONGPORT, NJ 08403
WEDNESDAY, July 15, 2020**

The meeting was called to order with the flag salute at 4:38 pm.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act. A notice of this meeting was emailed to the Press of Atlantic City and the Current on July 9, 2020. It was posted on the bulletin board on July 9, 2020, and on the Borough website on July 13, 2020.

ROLL CALL:	Nicholas Russo	present
	James P. Leeds, Sr.	present
	Daniel Lawler	absent

Borough Solicitor Affanato, Administrator Porter, Engineer Carter, CFO Kelly, and Municipal Clerk Kyle also present.

Emergency Exits, Public speaking announcement – announced by Mayor Russo.

The Governing Body presented certificates and beach tags to the winners of the 2020 Beach Tag Design Contest. This year’s winners included: Emma Franzosa who designed the Seasonal Tag and Michael DiGiovanni who designed the Senior Seasonal Tag.

The Governing Body presented a proclamation to former Mayor and Commissioner of Public Works William A. Fiore for a recent honor bestowed upon him by the Longport Volunteer Fire Department. Mr. Fiore was presented with the title of Chief Engineer. Longport Volunteer Fire Chief Levon Clayton accepted the proclamation on Mr. Fiore’s behalf and said that he would present it to Mr. Fiore. Chief Clayton explained that in the 100 year history of the fire department that this honor had been bestowed only once before.

Approval of minutes-

Municipal Clerk Kyle requested a motion for approval of the minutes from the July 1, 2020, Workshop and Regular Commission Meeting. Commissioner Leeds made a motion, seconded by Mayor Russo, to approve the minutes of the July 1, 2020, Workshop and Regular Commission Meeting. ALL AYES- none opposed. Commissioner Lawler – absent.

Public Comment or questions on listed resolutions:

Peter Isen of 1301 Beach Terrace had a question regarding Resolution 2020-92 pertaining to trash not being placed out sooner than 6 pm on Sunday. He questioned who would monitor when trash cans were being placed at the curb. Administrator Porter explained that code enforcement would be responsible. There was a discussion on who would be doing the monitoring and if it that person would be on the payroll. Mr. Isen expressed concern that ordinances are not enforced in the Borough. Mayor Russo explained that the Borough is now taking action on this issue. Mr. Isen asked if there could be a municipal lot location to dispose of trash similar to the one in Margate. Commissioner Leeds also

discussed another employee handling enforcement. Mr. Isen asked if police could enforce it and why it was a resolution and not an ordinance. Solicitor Affanato noted that police can only enforce ordinances.

Mr. Isen discussed the resolution pertaining to a liquor license renewal. He discussed an ordinance that Cape May passed allowing open containers after 5 pm to allow for drinking on beach, bars and restaurants outside. He said that the resolution on the agenda only pertains to the inside of the restaurant. Administrator Porter explained that the restaurant was recently approved for a COVID-19 expansion license in the Borough.

RESOLUTIONS

Number	Title
2020-89	A Resolution Authorizing a Shared Services Agreement with the Atlantic County Utilities Authority to Perform Basin Clean Out Services MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler absent.
2020-90	A Resolution of Support from the Borough of Longport, Board of Commissioners, for the National Flood Insurance Program by the Federal Emergency Management Agency MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler absent.
2020-91	A Resolution Authorizing Renewal of the Liquor License for Oriental Gourmet, T/A Catch 2401 Restaurant and Bar MOTION – LEEDS, SECOND- RUSSO, All AYES- none opposed. Commissioner Lawler absent.
2020-92	A Resolution Establishing when Trash can be Placed Curbside for Collection in the Borough of Longport MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler absent.

BILL LIST

Commissioner of Finance and Revenue, Jim Leeds, Sr., asked if there were any questions on the Bill List of July 15, 2020. There were none. MOTION – LEEDS, SECOND – RUSSO. ALL IN FAVOR - ALL AYES. NONE OPPOSED. Commissioner Lawler absent.

FINANCIAL SUMMARY REPORT

Commissioner of Finance and Revenue, Jim Leeds, Sr., asked if there were any questions on the Financial Summary Report. There were none. MOTION – LEEDS, SECOND – RUSSO. ALL IN FAVOR - ALL AYES. NONE OPPOSED. Commissioner Lawler absent.

COMMISSIONERS REPORTS:

MAYOR RUSSO

Mayor Russo discussed a sidewalk project to address areas that currently have grass and are not paved. He noted that the initial list did not include all sidewalk areas and that more have been added after a resident pointed out that the list was incomplete. He noted that the priority should be the areas initially identified. He also discussed several reasons why the areas should be paved including ADA compliance and keeping pedestrians from having to go into the street. Engineer Carter noted that the next steps in the project would be to establish the cost, determine where funding would come from, finalize plans and specs, and secure funding. He also discussed potentially doing the project in phases. Commissioner Leeds questioned if there is sidewalk on one side of the street and grass on the other, if sidewalk would be installed. Engineer Carter explained that the priority would be given to through streets.

COMMISSIONER LEEDS

Nothing further to report.

COMMISSIONER LAWLER

Absent.

MUNICIPAL ADMINISTRATOR'S REPORT:

Administrator Porter discussed the fish and wildlife component of the Beach Maintenance Plan. He noted that the Governing Body had given the engineer permission to send a letter to the NJ DEP designating the Point area as a prohibited zone. He said that the Borough has not yet received a response to this letter. Administrator Porter noted that he had a change to the plan that included having the fireworks area changed from 32nd Avenue to 34th Avenue. Engineer Carter noted that that revision could be done without difficulty.

Administrator Porter noted that he met with the police chief regarding a parking issue on Ventnor Avenue and he is requesting that a section of Ventnor Avenue be designated as 'no parking' between 31st and 32nd avenues. Mayor Russo said that he did not think that change would present an issue and that it would make the area safer regarding sight triangles. He noted that he would like to have the amending ordinance prepared for the next meeting. Engineer Carter noted that he had no issue preparing a certification for this change. He also said that a copy of the ordinance would need to be sent to the County.

SOLICITOR'S REPORT

Solicitor Affanato said he looked at the Borough Code regarding trash and noted that the Commissioner of Public Works can establish rules and regulations by resolution, adding that anyone who did not abide by those rules could face a fine of \$100. He stated that there is enforcement capability for the resolution adopted at the meeting.

ENGINEER'S REPORT

Engineer Carter said he submitted an application for a State grant for Atlantic Avenue from 22nd to 27th Avenue and that he hopes to hear if it was approved sometime in November. He also said that the

Borough has submitted and completed specs for Atlantic Avenue from 32nd Avenue to the Margate border. He also noted that the final invoice was approved for the 29th Avenue grant.

PUBLIC COMMENT

Bob English of 130 N. 32nd Avenue noted that there is an area on 33rd Avenue as you approach Sunset Avenue, where it is very difficult to see traffic when cars are parked there. Mayor Russo and Engineer Carter discussed sight triangles to help drivers. Administrator Porter noted that he has discussed this with the police chief. Mr. English suggested adding a 'Stop' sign in the area going down 33rd Avenue. He added that the area in discussion can be dangerous for drivers. There was further discussion on the history of the area previously having had a Stop sign.

Mr. English also noted that a previous meeting his wife had brought to the Governing Body's attention that something had been planted in a planter near the end of the street at 32nd Avenue, near the bay, that is blocking the area and he would appreciate it if it was addressed.

Mr. English also noted that he was not aware that there was an ordinance regarding when trash and recycling could be placed out for collection. He was concerned about residents who come for the weekend and leave early on Sunday and that this could be a difficult resolution to enforce. Mayor Russo explained that stickers would be placed for awareness of the regulation. He also expressed concern for who will collect the cans after they are emptied. Solicitor Affanato noted that there are a number of services available that can do this for residents.

Mr. English also noted that the Borough should look into COVID exclusions regarding liability insurance.

Levon Clayton of 3016 Winchester Avenue expressed his concern with holding the South Jersey Lifeguard Championship Races during a pandemic. He also said one suggestion would be to hold the race at 9 am during the week with no spectators. He said his wife is a professional nurse and that the pandemic is not going away and by holding the race as it has historically been held pre-pandemic, the Borough would be 'inviting trouble.'

Glenn Davis of 5 Bay Haven Drive said that he had never attended a commission meeting before and wasn't planning on commenting, but that following Mr. Isen's comments he felt compelled to speak on Borough ordinances. He noted that neither resolutions or ordinances were being enforced in the Borough. He said that contractors begin work at 7:10 am and end at 7 pm. He said that the Borough must begin to enforce ordinances.

He also discussed numerous parking issues on his street, including that the street is narrow and that residents have a hard time getting in and out. He also said that a fire truck could not get down the street with cars parked on both sides as it would be too narrow. He also said that people park in front of hydrants and that the area gets a lot of people parking there to use the commercial area and restaurants. He suggested that the Borough come up with a plan to address parking in this area. He noted that at one time there was only private parking permitted in the area, but the sign had been removed. He discussed organizing his neighbors to attend a meeting and to come up with suggestions.

Peter Isen of 1301 Beach Terrace said that he discussed parking on Atlantic Avenue at the Point with the police chief. He said that the beach near his home has turned into spring break in Florida. He said that beach taggers were not stopping people from accessing the beach without tag. He questioned the point of having the checkers if they were not permitted to be vocal or challenge people without tags from

entering the beach. He said that alcohol consumption on the beach has become an issue beachwide. He said that maybe the Borough should adopt an ordinance allowing alcohol after 5 pm on the beach. He said if you take a look at the recycling cans located on the beach it was like being in a bar.

Commissioner Leeds noted that beach tag inspection is greatly improved this year. Mr. Isen suggested providing the tag checkers with a certain number of badges each day and that when these were all sold, they could go home. Commissioner Leeds agreed that there are some issues, but that there also has been great improvement this year.

Mr. Isen also discussed a sign on the basketball court that noted it is for those 16 and younger. He said if the Borough is not going to enforce this, the sign should be removed. He also added that if someone is using the courts to provide lessons, they should pay more to use the court. Commissioner Leeds said that the Borough is looking into this.

Administrator Porter said he would pass Mr. Isen's comments on to the recreation supervisor.

ADJOURNMENT

MOTION – COMMISSIONER LEEDS, SECOND – MAYOR RUSSO. All AYES- none opposed. Commissioner Lawler – absent. Adjournment - 5:26 pm.